

REMARKS

Claims 1-12 and 17-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeBan (DeBan et al., US 5,386,103) in view of Artino (Artino et al., US 6,328,208). Claims 1, 10, 11, 21, and 24-26 have been amended. Support for these amendments can at least be found in numbered paragraphs [0047] and [0048] of the Specification as originally filed.

Rejections under 35 U.S.C. §103

Independent claims 1 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over DeBan in view of Artino. In particular, the Examiner contends that DeBan, albeit relating to an ATM device, includes all the limitations of claim 1 but fails to disclose an internal camera. Artino, also for an ATM device, is then cited as describing “an interior camera for capturing images of the items that are deposited into the ATM” (Page 3, paragraph 3 of the March 26, 2008 Final Office Action, citing Artino, col. 12, lines 31-36). In view of the foregoing amendments and following arguments, the Applicants respectfully disagree.

Applicants’ amended claim 1, and claim 24 generally, now recite a method of authorizing use of a card in a gaming machine, and collecting security data regarding activities occurring at or associated with an exterior AND an interior of the gaming machine that describes “...providing at least one image collection device for obtaining at least one image of an activity associated with **accessing** the interior of the gaming machine” (emphasis indicating amended language added). Accordingly, the present invention not only authorizes the use of a card, but also visually monitors activity associated with an individual “accessing” the interior of the gaming machine as well.

Artino, in contrast, discloses a security device for an ATM that is concerned with capturing images of deposited items that pass from the drum into a depository (Col. 7, lines 11-12) In particular, Artino indicates that this is done by directing the camera to view the deposited article when the article is inside the depository (Col. 7, lines 5-15). The device of Artino merely assures receipt and deposition of the deposited item into the chest interior chamber 42, and/or capture images of deposited items themselves.

The Applicants respectfully submit that neither DeBan nor Artino, alone or in combination, describes capturing images involving activity associated with *accessing* the interior of a gaming machine, as the present invention suggests.

Dependent claim 2 has also been rejected under 35 U.S.C. §103(a), the Examiner asserting that “it would have been obvious to one of ordinary skill in the art at the time of the invention to program the [Artino] system to record a person damaging or forcing an item into the ATM and then send the image to the server.” Claim 2 of the present invention, however, simply describes “...transmitting said current facial image information of said person to a remote location in the event the current image facial information *does not match* the first facial image information.” (emphasis added). Neither Artino nor DeBan describe transmitting any facial image information anywhere in the event that no facial image data is matched. DeBan simply states that, in the event of a difference between a customer’s card-identification data and his/her generated image data, the customer is shown a message directing them to contact the bank for assistance. (DeBan, col. 9, line 66, to col. 10, line 3). Artino, on the other hand, operates in a similarly mild manner, stating “[o]f course if a user is not authorized the programming preferably causes an appropriate display message to be generated advising the user that the machine cannot process their transaction.” (Artino, col. 13, lines 31-34). Applicants would also like to note that even though both DeBan and Artino would, presumably, be concerned with criminal acts directed at ATMs, neither reference contemplated recording images of a person damaging or forcing an item into an ATM, which seems to belie the Office Action’s contention that recording such behavior would be obvious. In fact, the cited references seem to teach away from treating suspicious behavior as possibly criminal behavior—instead of recording persons involved in failed ID verifications, the systems instead politely inform those persons that their transactions cannot be processed. For at least the reasons stated above, Applicants respectfully submit that the prior art does not teach all the elements of claim 2.

Claim 21 has been rejected under 35 U.S.C. §103(a) as unpatentable over DeBan in view of Artino, based on grounds similar to those used in the rejection of claim 2. Claim 21, however, describes a gaming machine card authorization and security method that generates “security data indicating an alarm condition for the gaming machine and communicating the security data to a remote location”, “in response to *not being able to obtain* current facial information”. (emphasis

added). As noted previously, neither DeBan nor Artino, alone or in combination, disclose anything other than displaying informational notices to users in response to a failure to match current facial image information to first facial image information. In fact, DeBan and Artino fail to describe any response at all when the current facial image information is not obtained.

Lastly, claim 28 stands rejected under 35 U.S.C. §103(a) as also unpatentable over DeBan in view of Artino. The Examiner believes that “it would have been obvious to one of ordinary skill in the art to change the Artino second event to a second face recognition event to insure an authorized user is still using the ATM since the necessary technology is already in place.” Applicants respectfully disagree, and submit that it would **not** have been obvious to one of ordinary skill in the art. If financial institutions desired to confirm that a person who initiated a transaction at an ATM was still the same person at the close of that transaction, such institutions would long ago have required that such users subject themselves to two identification procedures—entering a PIN to begin the transaction, and entering the PIN again at the close of the transaction. To the best of Applicants’ knowledge, this has never been the case. Applicants respectfully submit that there is therefore no motivation in the art to combine Artino and DeBan and additionally infuse the resulting combination with the capability of confirming that the person initiating the transaction is still the same person concluding the transaction. For at least these reasons, Applicants submit that claim 28 is patentable over the cited prior art.

The various dependent claims are also respectfully submitted to be patentable over the art of record for at least the same reasons as set forth above with respect to the independent claims. Furthermore, these dependent claims recite additional features that, when considered in the context of the claimed invention, further patentably distinguish the art of record.

Examiner’s Response to Applicants’ Prior Arguments

In response to Applicants’ arguments made in the previous Amendment, the Examiner opines, at Page 7 of the Final Office Action, that:

DeBan teaches implementing the disclosed security features in any system that requires a personal identification (DeBan: col. 10, lines 33-36) before granting access to a transaction that involves cashing documents (DeBan: col. 1, lines 43-45) like cash, casino money, anything of value, etc. Therefore, DeBan teaches the applicant's second verification process during a payout and every other triggering event that involves verifying the identity of the user." (Page 7).

Applicants respectfully submit that while DeBan teaches verifying personal identification before granting access to a transaction that involves cashing documents, DeBan does not teach performing a second iteration of the verification step in response to a later event. DeBan does not describe performing the facial recognition step twice during a transaction session. DeBan does not contemplate the possibility that the identity of the person using a DeBan device might suddenly change mid-transaction. DeBan appears to assume that once a user has been authenticated, no further verification of the user's identity is required. Applicants respectfully submit that the Office Action's characterization of DeBan is too generous and that DeBan does not, in actuality, teach all that the Office Action claims it does.

Preservation of Applicants' Previous Arguments

Applicants maintain their earlier objections to the use of DeBan, and now Artino as well, as prior art given the fact that neither reference is in the field of casino gaming machines. Applicants also wish to preserve their objections to previous assertions of obviousness based on Applicants' belief that the Office Action is relying on impermissible hindsight to modify the teachings of the prior art in order to teach all elements described in Applicants' claims.

Conclusion

In light of the above amendments and remarks, the Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. It is believed that all claims now pending and all Currently Amended claims fully and patently define the subject invention over the cited art of record and are in condition for allowance.

If the Examiner has any questions concerning this case, the Examiner is respectfully requested to contact Michael L. Louie at (510) 663-1100.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 504480 (Order No. IGT1P496D1).

Respectfully submitted,
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